



IPW 1648

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

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		Application Number	10/049,953-Conf. #2556
		Filing Date	June 17, 2002
		First Named Inventor	Anthony D. Shannon
		Art Unit	1648
		Examiner Name	M. G. Hill
Total Number of Pages in This Submission	4	Attorney Docket Number	28594/38247

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Check for \$110.00 extension fee Return postcard
Remarks		

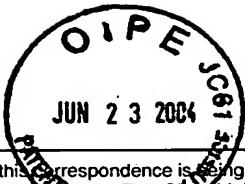
### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MARSHALL, GERSTEIN & BORUN LLP Kurt T. Buechle - 54,011
Signature	
Date	June 21, 2004

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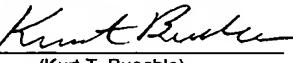
Dated: June 21, 2004

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Dated: June 21, 2004

Signature:   
(Kurt T. Buechle)

Docket No.: 28594/38247  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Anthony D. Shannon et al.

Application No.: 10/049,953

Confirmation No.: 2556

Filed: June 17, 2002

Art Unit: 1648

For: RECOMBINANT SUBUNIT VACCINE

Examiner: Myron G. Hill

### RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In a restriction requirement mailed April 20, 2004, the Office restricted the claims into five groups. The Office asserted that the claimed subject matters of Groups I-V did not relate to a single general inventive concept under PCT Rule 13.1, because under that Rule, the claims asserted did not share the same or corresponding special technical feature in view of Blachere et al., J. Exp. Med. 186(8):1315-1322 (1997). The Office also asserted that PCT Rule 13 did not provide for multiple products or methods within a single application. In response, Applicants elect Group I (claims 21-31) with traverse.

Applicants further note that PCT Rule 13 does not prohibit multiple products or methods within a single application. Applicants submit that examination of claims of all five groups would not present an undue burden on the Examiner and respectfully request examination of all pending claims.

The Examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will move this case to allowance.

Dated: June 21, 2004

Respectfully submitted,

By   
Kurt T. Buechle  
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